

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOSE ANGEL CASTILLO,)	Case No. 4:15CV556
)	
Plaintiff,)	JUDGE BENITA Y. PEARSON
)	
v.)	Magistrate Judge George J. Limbert
)	
CORRECTIONS CORPORATION OF)	
AMERICA, et al.,)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
Defendants.)	

On April 12, 2016, the undersigned issued an Order to Show Cause to Plaintiff Jose Angel Castillo (“Plaintiff”) after he failed to participate in a status conference held on that date. ECF Dkt. #23. The undersigned ordered Plaintiff to show cause by April 26, 2016 as to why he failed to attend the status conference and otherwise participate in this case. *Id.* As of the date of this Report and Recommendation, Plaintiff has not filed any documents with the Court nor contacted the Court to explain his failure to participate in this case.

The undersigned’s Order to Show Cause explicitly stated that if Plaintiff failed to show cause for his failure to participate in this case, it would result in a recommendation that the Court dismiss the instant case without prejudice. Additionally, the Order to Show Cause explained that the Federal Rules of Civil Procedure allow the Court to dismiss a case in which a party fails to participate, stating:

Rule 16(f) of the Federal Rules of Civil Procedure is entitled “Sanctions” and provides, in relevant part:

(1) *In General*. On motion or on its own, the court may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii) - (vii), if a party or its attorney:

(A) fails to appear at a scheduling or other pretrial conference;

Fed. R. Civ. P. 16(f)(1)(A). Rule 37(b)(2)(A)(vi) of the Federal Rules of Civil Procedure instructs that this Court may render a default judgment against a disobedient party. Fed. R. Civ. P. 37(b)(2)(A)(vi). Rules 16 and 37 make clear the power of the Court to use various measures in order to manage cases so as to avoid unnecessary delay and congestion. *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962).

ECF Dkt. #23 at 2. Plaintiff has failed to comply with the April 12, 2016 Order to Show Cause.

A copy of the Order to Show Cause was mailed to Plaintiff at his last known address at the Stewart Detention Center with his inmate identification number. That mail was returned and marked “Need Detainee Name & Number” although Plaintiff’s name and inmate number were provided on the address to the facility. ECF Dkt. #24. A subsequent search of the inmate locator on the Bureau of Prisons’ website indicates that Plaintiff was released on October 30, 2015. As indicated in the Order to Show Cause, Plaintiff provided his last known address as the Stewart Detention Center and mail sent to that facility previously was returned because he was not at that facility. ECF Dkt. #20. Plaintiff never provided this Court with an updated address.

Since Plaintiff has failed to update the Court with a new address, failed to appear at the status conference, and has failed to provide cause for his failure to do so or to pursue his case, the

undersigned recommends that the Court DISMISS the instant case without prejudice.

Dated: April 28, 2016

/s/George J. Limbert
GEORGE J. LIMBERT
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of service of this notice. Fed. R. Crim. P. 59. Failure to file objections within the specified time constitutes a WAIVER of the right to appeal the Magistrate Judge's recommendation.